

**CERTIFICATE OF FILING**

I hereby certify that this paper and every paper referred to therein as being enclosed is being filed with the USPTO electronically via EFS-Web or via first class mail addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date below

Date: March 19, 2009

By /Jennifer Archer/  
Jennifer Archer

Docket No. 104093-8 KGB

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT : Frank BERENDES et al  
SERIAL NO. : 10/669,424  
CUSTOMER NO. : 27384  
FILED : September 24, 2003  
FOR : PROCESS FOR PREPARING 3-HETEROARYL-3-HYDROXYPROPANOIC ACID DERIVATIVES  
ART UNIT : 1625  
EXAMINER : 5072

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March 19, 2009

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

SIR:

Pursuant to 37 CFR §§ 1.56, 1.97 and 1.98, Applicants respectfully request that the Examiner consider the references listed on the attached Form PTO/SB/08.

**I. Timeliness, Fees and Certifications in lieu of Fees**

This information disclosure statement is being filed after mailing of a final Office Action or a notice of allowance, but on or before the payment of the issue fee. Pursuant to 37 CFR § 1.97(d), consideration of this information disclosure statement requires a petition, which Applicants hereby request, and payment of the petition fee, which is set forth in 37 CFR § 1.17(i), and which the Commissioner is hereby authorized to charge to Deposit Account No. 14-1263. Consideration of this information disclosure statement also requires a statement under 37 CFR § 1.97(e):

Applicants hereby state that each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.

## **II. Copies of Listed References**

Copies of all references listed on the attached Form PTO SB 08 are being supplied. Copies of U.S. patents are not included pursuant to 37 CFR § 1.98 (a) (2) (ii).

## **III. Concise Statement of Relevance**

All references listed on the attached Form PTO-1449 are in the English language, and, therefore, a concise statement of relevance is not required.

Consideration of the foregoing in relation to this application is respectfully requested.

Respectfully submitted,  
NORRIS MCLAUGHLIN & MARCUS, P.A.

By /Kurt G. Briscoe/  
Kurt G. Briscoe  
Attorney for Applicant(s)  
Reg. No. 33,141  
875 Third Avenue - 18<sup>th</sup> Floor  
New York, New York 10022  
Phone: (212) 808-0700  
Fax: (212) 808-0844